

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

BRANDON CALLIER,

Plaintiff,

v.

**SUMMIT HORIZON FINANCIAL
SERVICES, LLC, a Georgia Limited
Liability Company; and MORRIS
LOBE,**

Defendants.

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EP-21-CV-23-KC

ORDER

On this day, the Court sua sponte considered the above-captioned case. Plaintiff filed his Complaint on February 4, 2021. ECF No. 1. And Plaintiff appears to have properly served Defendant Morris Lobe that same day, ECF No. 5, and Defendant Summit Horizon Financial Services, LLC (“Summit”) on February 12, 2021, ECF No. 4. Defendants’ responses to the Complaint were thus due on February 25 and March 5, 2021, respectively. *See* Fed. R. Civ. P. 12(a)(1)(A); ECF Nos. 4, 5.

Those deadlines have now passed, and Defendants have not filed valid responses to the Complaint. While Defendant Summit attempted to file a late motion to dismiss on April 20, 2021, that motion was struck pursuant to the rule that “business associations may appear in federal court only through a licensed attorney.” ECF No. 8 (quoting *Precision Builders, Inc. v. Olympic Grp., L.L.C.*, 642 F. App’x 395, 397 (5th Cir. 2016)). Summit was also “**WARNED** that it cannot proceed without counsel, and that failure to retain counsel may result in adverse consequences, including default judgment against it.” *Id.* at 2. And Defendant Lobe has not

attempted to file any response to the Complaint on behalf of himself. Accordingly, pursuant to Local Rule CV-55, the Court hereby **ORDERS** Plaintiff to move for entry of default and default judgment against Defendants **on or before June 1, 2021**. Failure to do so may result in dismissal of this case without prejudice. *See* Local Rule CV-55.

SO ORDERED.

SIGNED this 17th day of May, 2021.


KATHLEEN CARDONE
U. S. DISTRICT JUDGE